

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA**

In RE:

FRIESEN, JEFFREY PAUL,  
FRIESEN, DEBRA ANN,  
Debtor(s).

Case No.: 04-60934  
Chapter 7

**NOTICE OF MOTION AND MOTION OBJECTING TO EXEMPT PROPERTY**

TO: The United States Bankruptcy Court, the United States Trustee, the Debtors, the Debtors' attorney, and all parties who requested notice under Bankruptcy Rule 2002.

1. David G. Velde, Trustee of the bankruptcy estate of the above-named debtors moves the court for the relief requested below and gives notice of hearing.

2. The Court will hold a hearing on this motion at 11:00 a.m. on November 17, 2004, in US Bankruptcy Court, 204 US Courthouse 118 South Mill Street, Fergus Falls, Minnesota.

3. Any response to this motion must be filed and served not later than , at a.m., which is seven days before the time set for the hearing (excluding Saturdays, Sundays, and legal holidays), or filed and served by mail not later than , which is ten days before the time set for the hearing (excluding Saturdays, Sundays, and legal holidays). **UNLESS A RESPONSE OPPOSING THE MOTION IS TIMELY FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.**

4. This court has jurisdiction over this motion pursuant to 28 U.S.C. §§157 and 1334. This proceeding is a core proceeding. The petition commencing this Chapter 7 case was filed on August 10, 2004. The case is now pending in this Court.

5. This motion arises under 11 U.S.C. § 522, and Bankruptcy Rule 4003 and Local Rule 4003-1(a). This motion is filed under Bankruptcy Rule 9014 and Local Rule 9013-1. Movant requests relief with respect to debtors' claims for exemption.

6. Debtors have claimed as exempt the following asset which the trustee objects to as follows: Non-homestead real estate valued in the petition at \$7,500; Pioneer Investments IRA valued in the

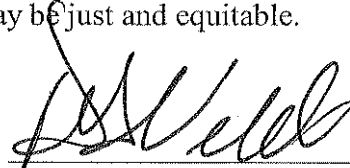
petition at \$7,210.66; 12 gauge shotgun, 30-30 rifle, and 20 gauge shotgun valued in the petition at \$900; 1979 Arctic Cat Snowmobile valued in the petition at \$200; 1997 Nissan Quest valued in the petition at \$4,000 Wells Fargo checking account valued in the petition at \$100.

7. The trustee objects to the debtors' claim of exemption on the following basis: The Pioneer Investments IRA is not an asset that can be exempted under 11 U.S.C. § 522 (d)(10). The remaining assets listed in Paragraph No. 6 of this Notice and exempted under 11 U.S.C. § 522 (d)(5) are owned by Jeffrey Friesen and far exceed the exemption amount allowed under 11 U.S.C. § 522 (d)(5).

WHEREFORE, the Applicant moves the court for an order sustaining trustee's objection to claimed exempt property and such other relief as may be just and equitable.

Date:

10/5/04

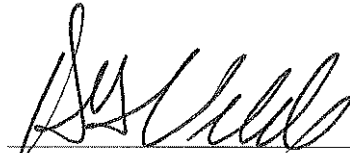


David G. Velde, Trustee  
1118 Broadway  
Alexandria, MN 56308  
(320) 763-6561

**Verification.** I, David G. Velde, the moving party named in the foregoing notice of hearing and motion, declare under penalty of perjury that the foregoing is true and correct according to the best of my knowledge, information and belief.

Date:

10/5/04



David G. Velde

**UNITED STATES BANKRUPTCY COURT  
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FRIESEN, DEBRA ANN,  
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**ORDER**

At Fergus Falls, Minnesota, \_\_\_\_\_, \_\_\_\_\_.

Upon the Objection to Claimed Exempt Property filed by the Trustee and upon all the files and records of the proceedings herein,

**IT IS ORDERED:**

1. The debtors' non-homestead real estate, Pioneer Investments IRA, 12 gauge shotgun, 30-30 rifle, 20 gauge shotgun, 1979 Arctic Cat Snowmobile, 1997 Nissan Quest and Wells Fargo checking account claimed exempt under 11 U.S.C. § 522 (d)(10) and (d)(5) are not exempt to the extent that they exceed the amount allowed under 11 U.S.C. § 522 (d )(5).

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Judge Dennis D. O'Brien  
US Bankruptcy Court

[illegible]

Colleen M. Ouimet, of the City of Alexandria, County of Douglas, in the State of Minnesota, being duly sworn, says that on the 5th day of October, 2004, she served the attached Notice of Motion and Motion Objecting to Exempt Property, by electronically filing with:

US Bankruptcy Court  
204 PO Building  
118 S. Mill Street  
Fergus Falls MN 56537

and mailing to a copy thereof, enclosed in an envelope, postage prepaid, and by depositing same in the post office at Alexandria, Minnesota, directed to said at:

Habbo G. Fokkena  
US Trustee  
1015 US Courthouse  
300 South Fourth Street  
Minneapolis, MN 55415

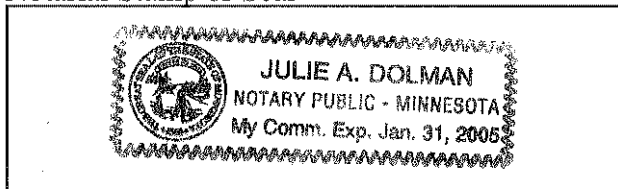
Rolf H. Nyckelmoe  
Attorney at Law  
106 E. Washington  
Fergus Falls, MN 56537-0936

Jeffrey and Debra Friesen  
51932 Grace Drive  
Detroit Lakes, MN 56501

Colleen M. Ouimet  
Colleen M. Ouimet

Subscribed and sworn to before me this 5<sup>th</sup> day of October, 2004.

Notarial Stamp or Seal



Julie A. Wolman  
Notary Public